

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTONIO MOJICA,

Plaintiff

-against-

HEIDELBERG USA, INC.,

Defendant

08 Civ. 4500 (GEL)

ORDERGERARD E. LYNCH, District Judge:

Plaintiff moves for leave to amend the complaint to both add a new defendant and to increase his claim for punitive damages by tenfold from \$5 million to \$50 million. Defendant opposes the motion solely as to the latter proposed amendment.

Having carefully considered the parties' submissions, it is hereby ORDERED that plaintiff's motion for leave to amend the complaint is granted with respect to the addition of a new defendant, but denied as to the proposed increase in punitive damages. See Friedman v. New York City Dep't of Housing and Dev. Admin., 688 F. Supp. 896, 900 (S.D.N.Y. 1988) (denying request to amend damages claim because "[p]laintiffs have articulated no basis upon which the amendment might be justified"). Plaintiff is directed to file an Amended Complaint consistent with this order by August 29, 2008.

SO ORDERED:

Dated: New York, New York
 August 19, 2008

USDC SDNY
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DATE FILED: <u>8/19/08</u>


 GERARD E. LYNCH
 United States District Judge